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10/776,905

02/11/2004

Vijay S. Raisinghani

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IL01/3RD

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EXAMINER

BHATTACHARYA, SAM

ART UNIT

PAPER NUMBER

- 2688

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/776,905

Applicant(s)

RAISINGHANI ET AL.

Examiner

Sam Bhattacharya

Art Unit

2688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)     | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4 and 17-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Sonoyama et al. (US 2004/0122570).

Regarding claim 1, Sonoyama discloses a communication system for a vehicle service station, the communication system including a local area network (LAN); a vehicle 1 having a diagnostic system, a transceiver 11 operable on the LAN, and a memory 12 for storing information on the vehicle; and a local communication device 16 for the vehicle service station, the local communication device operable on the LAN and operable to download the information from the vehicle. See FIG. 1 and paragraph 22, lines 1-13.

Regarding claim 2, Sonoyama discloses that the LAN is a wireless LAN and the local communication device is to query for the vehicle transceiver within a coverage area of the LAN. See paragraph 25, lines 1-8.

Regarding claim 3, Sonoyama discloses that the LAN is a wireless LAN (see FIG. 1) and the communication system operates such that the local communication device synchronizes service records with the vehicle. See paragraph 24, lines 1-7.

Regarding claim 4, Sonoyama discloses that the local communication device queries a vehicle for identification information and provides the identification information for correlation with ownership information in a local database. See paragraph 37, lines 1-7 and paragraph 86, lines 1-13.

Regarding claim 17, Sonoyama discloses a method for communication between a service station and a vehicle 1 with a transceiver 11 operable on a local area network, a diagnostic system, and having a memory 12 for storing information on the vehicle, the method including querying for a vehicle local area network transceiver within a coverage area of a local area network; downloading identification information from the memory over the local area network; and determining service required for the vehicle. See paragraph 22, lines 1-13, paragraph 25, lines 1-8 and paragraph 37, lines 1-7.

Claim 18 incorporates the limitations of claims 4 and 17, and is therefore rejected for the same reasons as these claims.

Regarding claim 19, Sonoyama discloses that the vehicle includes a transceiver operable over a wide area network, and wherein the determining step includes the substeps of directing the vehicle diagnostic system, over a wide area network, to perform vehicle diagnostics; and downloading the results of the diagnostics over the wide area network. See paragraph 25, lines 1-11.

Regarding claim 20, Sonoyama discloses sending information regarding service of the vehicle to the vehicle through the local area network; and allowing approval of service from the vehicle through the local area network. See paragraph 119, lines 1-8.

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Regarding claim 21, Sonoyama discloses storing service record data of the vehicle; and downloading the service record data from the vehicle memory. See paragraph 66, lines 1-12.

Regarding claim 22, Sonoyama discloses that the determining step includes an interactive session with a driver of the vehicle to assist in determining the service required. See paragraph 24, lines 1-7.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sonoyama et al. in view of Willson, Jr. et al. (US 2003/0033413).

Regarding claims 5 and 11, Sonoyama fails to disclose that the vehicle includes a transceiver operable on a wide area network (WAN) of a network service provider and the local communication device is operable on the WAN, and wherein the local communication device can direct the vehicle diagnostic system, over the WAN, to perform vehicle diagnostics and to download results of the diagnostics back to the local communication device over the WAN.

However, in an analogous art, Willson discloses a mobile wireless local area network in which a vehicle transceiver operates on a WAN (the Internet) of a network service provider and a communication device operates on the WAN, where the device directs a vehicle diagnostic system over the WAN to perform diagnostics and to download diagnostic results back to the

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device over the WAN. See paragraph 24, lines 1-26. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication system of Sonoyama by incorporating these features, as taught by Willson, for the purpose of allowing use of the vehicle diagnostics at various remote locations in the world that are connected to the Internet.

Regarding claim 6, Willson discloses that the local communication device is operable to download a particular diagnostic test application over the WAN for the vehicle diagnostic system to execute. See paragraph 25, lines 1-11. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication system of Sonoyama and Willson by incorporating these features, as further taught by Willson, for the purpose of allowing modification of the test application at remote sites on the Internet.

Regarding claim 7, Sonoyama discloses that the local communication device is operable to send information regarding service for the vehicle to a user interface of the vehicle through the LAN and LAN transceiver. See paragraph 65, lines 1-10.

Regarding claim 8, Sonoyama discloses that the user interface is operable to allow approval of service to the local communication device through the LAN transceiver and LAN. See paragraph 119, lines 1-8.

Regarding claim 9, Sonoyama discloses that the memory of the vehicle is operable to store service record data of the vehicle and is used to download the service record data from the vehicle memory to the local communication device. See paragraph 66, lines 1-12.

Regarding claim 10, Sonoyama discloses that when any vehicle information is to be downloaded, a message indicating the same can be transmitted to a user interface of the vehicle

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such that a driver of the vehicle can disallow the download if desired. See paragraph 86, lines 1-13.

Regarding claim 12, Sonoyama discloses that the information contains at least one of a vehicle identification number and an odometer reading, and wherein the local communication device provides the information for correlation with ownership information in a local database. See paragraph 24, lines 1-7, paragraph 37, lines 1-7 and paragraph 86, lines 1-13.

Claim 13 incorporates the limitations of claims 5, 6 and 11, and is therefore rejected for the same reasons as these claims.

Claim 14 incorporates the limitations of claims 7 and 11, and is therefore rejected for the same reasons as these claims.

Claim 15 incorporates the limitations of claims 9 and 11, and is therefore rejected for the same reasons as these claims.

Regarding claim 16, Sonoyama discloses that the local communication device and the user interface are operable to provide an interactive session with a driver of the vehicle to assist in determining required service. See paragraph 24, lines 1-7.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shimoda et al. (US 2004/0162109) discloses a mobile vehicle having a wireless LAN with automatic setting of a physical interface.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917. The examiner can normally be reached on Weekdays, 9-6, with first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sb

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER